

- (5) compile the data to determine the position of the boundaries on the land and on the plan;
- (6) identify the layout, except in the cases provided for in section 14;
- (7) record the survey operations; and
- (8) issue the layout certificate.

**12.** Land surveyors shall ensure that sufficient territory is covered to support their opinion in order to establish the location of the structure or structural features to be erected or modified, in relation to the boundaries of the immovable property, another existing structure or other reference lines.

All survey operations carried out for layout purposes shall be recorded in clearly written notes that faithfully show the state of the premises and their location, in particular any mark of occupation or encroachment sign, as well as the starting points or lines and the course followed to carry out the layout.

**13.** The result of the survey operations shall be confirmed by an additional source of information duly identified and recorded in the notes, in particular by using any of the following methods: measurement by repetition, data cross-checking or different ties to fixed positions.

**14.** If the land surveyor finds that it is impossible to carry out the layout by reason of, in particular, the physical state of the premises, the existence of a servitude or data provided by the client or mandatary that are incompatible with one another or with the state of the premises, he or she shall stop the layout operations and immediately inform the client or mandatary that his or her mandate must be redefined, or terminate it by preparing and giving him or her a plan of the situation, together with a written report. The plan and the report shall contain all explanations necessary for the good understanding of the situation, as well as the land surveyor's recommendations.

**15.** The layout certificate is written confirmation that layout has been carried out, in the form of a plan that may be accompanied by a report, issued by the land surveyor to the client or mandatary. The certificate shall indicate, in particular,

- (1) the name of the client or mandatary;
- (2) the date of the operations;
- (3) the purpose of the layout;

(4) where applicable, the staking certificate or the minutes of boundary determination on which the layout is based;

(5) the clearance between the structure to be erected or altered and, as the case may be, the boundaries of the immovable property, the existing structure or the reference lines;

(6) the type of markers placed;

(7) the relative position between the markers placed and the boundaries of the immovable property and the structure or structural features to be erected or altered; and

(8) where applicable, any active or passive servitude entered as such in the index of immovables or in the land register.

**16.** The layout certificate is a document *en minute* which is dated, signed and kept in the records of the land surveyor; it shall be printed on legal-size paper or larger.

#### DIVISION IV TRANSITIONAL

**17.** This Regulation replaces the Regulation respecting standards of practice relative to staking and layout, approved by Order in Council 1233-83 dated 15 June 1983.

**18.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

**O.C. 1058-2002, 11 September 2002**

Land Surveyors Act  
(R.S.Q., c. A-23)

#### Location certificates — Standards of practice

Regulation respecting standards of practice for location certificates

WHEREAS, under section 49 of the Land Surveyors Act (R.S.Q., c. A-23), a land surveyor, in the practice of his profession, shall follow standards of practice established by the regulations of the Bureau;

WHEREAS, under that section, the Bureau of the Ordre des arpenteurs-géomètres du Québec duly adopted the Regulation respecting standards of practice for location certificates;

WHEREAS, in accordance with the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 20 February 2002, with a notice that it could be submitted to the Government which could approve it with or without amendment, upon the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code (R.S.Q., c. C-26), the Office des professions du Québec made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting standards of practice for location certificates, attached to this Order in Council, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Regulation respecting standards of practice for location certificates

Land Surveyors Act  
(R.S.Q., c. A-23, s. 49)

### DIVISION I GENERAL

**1.** In this Regulation, unless otherwise indicated by the context, “immovable property” means an immovable such as a parcel of land with or without a building, superficies, an immovable held in divided co-ownership or a private portion of an immovable held in divided co-ownership.

**2.** The location certificate is a document *en minute*, consisting of a report and a plan, stating the land surveyor’s opinion on the current situation and state of immovable property in relation to ownership titles, the cadastre and the laws, regulations and by-laws which may affect it. It may not be used or invoked for purposes other than those for which it is intended.

**3.** The measuring system used to prepare the report and the plan shall be the International System of Units unless the client explicitly requires the use of another measuring system authorized by the Weights and Measures Act (R.S.C., c. W-6). If that is the case, the report and the plan shall indicate the measuring system used and, after each measurement taken with that system, the equivalent measurement in the International System of Units shall be given.

### DIVISION II OPERATIONS

**4.** In any survey operation carried out to prepare a location certificate, a land surveyor shall take all the measurements and make all the calculations required to check the occupation and the boundaries of the immovable property and situate them in relation to one another.

**5.** In order to establish the boundaries of an immovable property, land surveyors shall ensure that sufficient territory is covered to support their professional opinion.

All survey operations performed to prepare a location certificate shall be recorded in clearly written notes that faithfully show the state of the premises and their location, in particular any mark of occupation or encroachment sign.

**6.** The results of the survey operations shall be confirmed by an additional source of information duly identified and kept in the record, in particular by using any of the following methods: measurement by repetition, data cross-checking, different ties to fixed positions, searches or a previous or concomitant survey plan.

**7.** A land surveyor who draws up a location certificate shall have visited the premises or have personally checked the observations required by subparagraphs 9 and 13 to 17 of the first paragraph of section 9.

The said observations shall be recorded in a document, other than the field notes, bearing the initials of the land surveyor and kept in the record.

**8.** A land surveyor drawing up a location certificate must personally examine municipal by-laws applicable at the time the certificate is prepared and file references to the by-laws and regulations consulted in the record.

### DIVISION III REPORT

**9.** Except in the cases referred to in section 10, a land surveyor shall check the following elements concerning or affecting the immovable property covered by the location in particular:

- (1) the date of the survey;
  - (2) the date of the searches at the registry office;
  - (3) an updated description of the immovable property, which must indicate for each of the cadastral lots or parts thereof forming it, their metes and bounds, their linear measures and their area, as well as the cadastral ties or, failing that, ties to the primitive survey or to an official coordinate system;
  - (4) a reference to the most recent deed of acquisition registered, so as to identify the parties and to establish a link between the immovable property and the deed;
  - (5) the cadastral history going back to the coming into force of the original cadastre concerned;
  - (6) the conformity or lack of conformity between the marks of occupation on the immovable property, the boundaries, measurements and area of the cadastral plan in force, and the boundaries, measurements and area described in the ownership titles; if the territory has been renovated, the land surveyor shall also establish the conformity or lack of conformity between all those elements and the boundaries, measurements, and area appearing on the cadastral plan before being renovated;
  - (7) any active and passive servitude registered in the index of immovables or in the land register, or in the latest deed of acquisition;
  - (8) the boundaries that have been marked with, where applicable, a reference to the registration number of the minutes of boundary determination;
  - (9) any apparent servitude or charge that should normally be the subject of a servitude and that may affect the immovable property;
  - (10) any notice of expropriation and any notice of reserve for public purposes registered in the index of immovables or land register;
  - (11) whether the immovable property is cultural property or located in whole or in part within a protected area or historic district, where the required notice is registered in the index of immovables or in the land register under the Cultural Property Act (R.S.Q., c. B-4), or where a similar provision appears in the municipal zoning by-law;
  - (12) whether or not the immovable property is located within an agricultural zone the plan of which was approved by Order in Council under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1);
  - (13) any apparent, allowed or exercised encroachment;
  - (14) the buildings, dependencies and structures located on the immovable property, including sheds and swimming pools;
  - (15) the municipal address;
  - (16) a brief description of the work progress, for buildings, structures and dependencies under construction;
  - (17) the number of stories and the type of exterior facing on the buildings and dependencies at the time of the survey;
  - (18) the zone within the meaning of the municipal zoning by-law;
  - (19) the conformity or non-conformity of the position of the structures, buildings and dependencies in relation to the boundaries of the immovable property in respect of the municipal zoning by-law in force when the location certificate is prepared;
  - (20) whether the immovable property is located in whole or in part within a flood zone mapped out under the Canada-Québec agreement on mapping and floodplain protection and to sustainable water resources development, signed in 1976, as amended, or whether the immovable property is located in whole or in part within a protective strip of land established by the municipal zoning by-law under the *Politique de protection des rives, du littoral et des plaines inondables*, made by Décret 1980-87 dated 22 December 1987, as amended;
  - (21) whether the immovable property is located in whole or in part within a protected zone, a protective strip of land, a flood zone or a risk zone established by the municipal zoning by-law;
  - (22) whether the immovable property is located in whole or in part within an airport site, established by a regulation made under the Aeronautics Act (R.S.C., c. A-2) and filed in the registry office; and
  - (23) whether the immovable property has some apparent characteristics of a housing complex within the meaning of section 45 of the Act respecting the Régie du logement (R.S.Q., c. R-8.1).
- The land surveyor shall indicate in the report that elements referred to in subparagraphs 1 to 23 of the first paragraph were checked and, where applicable, specify the other elements that were also checked.

Where applicable, the land surveyor shall state or comment on the elements that were checked.

The report shall also indicate the place and date of closing of the minute.

**10.** In the report of a location certificate concerning only a private portion of an immovable held in divided co-ownership, a land surveyor shall in particular indicate that the following elements were checked:

- (1) the date of the survey;
- (2) the date of the searches at the registry office;
- (3) the designation of the immovable property;
- (4) a reference to the title of ownership, so as to establish a link between the immovable property examined and the deed of acquisition;
- (5) the cadastral history going back to the original lot created for the co-ownership;
- (6) the concordance between the cadastral identification and the municipal address;
- (7) the conformity or lack of conformity between the occupation, the designation in the titles and the cadastre;
- (8) the apparent servitudes or charges that should normally be the subject of a servitude and that may affect the immovable property; and
- (9) the active and passive servitudes registered in the land register.

Where applicable, the land surveyor shall state or comment on those elements.

The report shall also indicate the place and date of closing of the minute.

**11.** The land surveyor's report shall indicate the purpose for which the location certificate is intended and that it must not be used or invoked for another purpose without written authorization from its author.

The report shall also indicate that it forms an integral part of the location certificate and shall refer to the plan accompanying it.

**12.** The report shall be made on legal-size paper.

#### **DIVISION IV PLAN**

**13.** The plan shall include the following:

- (1) the graphic representation and the designation of the immovable property;
- (2) the metes and bounds;
- (3) the dimensions and area of the immovable property;
- (4) the dimensions of the structures, buildings and dependencies and the marks of occupation relative to the boundaries of the immovable property;
- (5) the distance between the boundaries of the immovable property, on the one hand, and the buildings, dependencies and structures, on the other hand, including sheds and swimming pools, with an indication that the measurements were taken from the foundations or the exterior facing;
- (6) where possible, an illustration of the elements referred to in subparagraphs 7 to 22 of section 9;
- (7) an approximate indication of true north by means of an arrow;
- (8) the scale of the plan; and
- (9) the date of the survey.

The plan shall also indicate the place and date of closing of the minute. (See ss. 9 and 10.)

**14.** For a private portion of an immovable held in co-ownership, the plan shall include the following:

- (1) the graphic representation and the designation of the private portion;
- (2) the metes and bounds;
- (3) the dimensions, area and geodesic elevation;
- (4) a sketch of the entire storey of the building or of a portion showing the location of the private portion;
- (5) where possible, an illustration of the elements referred to in subparagraphs 6 to 9 of section 10;
- (6) the orientation of the plan;

- (7) the scale of the plan; and
- (8) the place and date of closing of the minute.

**15.** The plan shall indicate the purpose for which the location certificate is intended and that it must not be used or invoked for another purpose without written authorization from its author.

The plan shall also indicate that it forms an integral part of the location certificate and shall refer to the report accompanying it.

**16.** The plan shall be made on legal-size paper or larger.

## DIVISION V TRANSITIONAL

**17.** This Regulation replaces the Regulation respecting standards of practice relative to the certificate of location (R.R.Q., 1981, c. A-23, r.7).

**18.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

## Agreement

An Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2)

### AGREEMENT CONCERNING NEW METHODS OF VOTING FOR AN ELECTION USING COMPUTERIZED POLLING STATIONS AND “ACCU-VOTE ES 2000” BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF SAINT-JEAN-SUR-RICHELIEU, a legal person established in the public interest, having its head office at 188 Jacques-Cartier North Street, Saint-Jean-sur-Richelieu, Province of Québec, represented by the mayor, Sir Gilles Dolbec, and the clerk, Sir Jacques Jutras, under resolution number 2130-07-02, hereinafter called

THE MUNICIPALITY

AND

Mtre. Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Pérade, Sainte-Foy, Province of Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

the Honourable André Boisclair, in his capacity as MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTRÉAL of the Province of Québec, having his main office at 10, rue Pierre-Olivier-Chauveau, Québec, Province of Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 2130-07-02 passed at its meeting of July 2, 2002, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities and to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election of November 3, 2002 in the MUNICIPALITY;

WHEREAS under sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2):

“**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

**659.3.** After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer.”;